

**BATTLE CREEK CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, October 23, 2013**

**1. Call to Order:**

Chairman Preston Hicks called the meeting to order at 4:00 p.m.

**2. Attendance:**

**Members Present:**

Steve Barker	John Godfrey	Chip Spranger	Mayor Baldwin
Dan Buscher	Preston Hicks	John Stetler	

**Members Excused:** Jan Frantz, and Dave Walters

**Staff Present:** Christine Hilton, Planning Supervisor  
Jill Steele, City Attorney  
Glenn Perian, Senior Planner  
Leona Parrish, Administrative Assistant, Planning Dept.

**3. Additions or Deletions to the Agenda: None**

**4. Approval of Minutes: Meeting Minutes of August 28, 2013.**

**MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY  
COMMISSIONER SPRANGER, TO APPROVE THE PLANNING COMMISSION  
REGULAR MEETING MINUTES FOR AUGUST 28, 2013 AS PRESENTED.**

**VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**5. Correspondence: None**

*Commissioner Hicks Opened the Public Hearing*

**6. Public Hearings and Deliberation/Recommendations:**

- A. Special Use Permit #S-05-13:** Petition from First Congregational Church, Rev. Thomas M. Ryberg & Rev. Emily Joye McGaughy-Reynolds, 145 Capital Ave., N.E., Battle Creek, MI 49017. Requesting a Special Use Permit of the following described property for use as a Preschool & Childcare Center as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01 (b)(6), for property located at 145 & 157 Capital Avenue, N.E.

Ms. Christine Hilton, Planning Supervisor, referenced the staff report noting this was a request from the Church to operate a childcare center and preschool out of their facility for up to sixty children ages 0-5, with the hours of operation to be typical office hours Monday – Friday 7:00 A.M. to 6:00 P.M. Stated there will be interior renovations required for the church building without an addition to be built; would be adding a play lot area and will be using the existing drop-off circle driveway. Said they have received approval from the Historic District Commission for the demolition of the CIR building for the play lot and parking area. Ms. Hilton stated the staff did the analysis based on the criteria in the ordinance for review of a Special Use Permit and recommend approval.

***Chairperson Commissioner Hicks reviewed the meeting guidelines for the Public Hearing and asked the petitioner to come forward to speak.***

Ms. Andria Ryberg, 247 Sherman Road, stated they are planning on opening a childcare at First Congregational Church called "Garden of Dreams Community Preschool and Childcare" this would be a full-day childcare for 60 children ages 0-5 years old. Stated they hoped to have a diverse student body and serve children who are able to pay full tuition from their family income as well as State supported funding with a combination of support. This is unique in Battle Creek as there are not that many childcares that allow them to pay with State funding and they hope to have support from church members and volunteers to bring a lot of people into the lives of the children in the program. Said they hope to have a strong curriculum and educational program as well as beautiful indoor and outdoor space for children's play and learning.

Mr. David Nielsen, 44 Latta Street, said he was a member of the Early Childhood Collaborative of Calhoun County and was speaking in total support of this petition as research has shown that the ages from birth to 5 years are the critical ages for children's development for future school success. Said this program will enhance opportunities for that age group especially within the area of the church where there is such a need. Stated as an educator and having to work with children that have not had that opportunity when young, he knows how important it is and is in complete support.

Ms. Susan Lampas, 161 Capital Avenue, N.E., stated her property next door to the church and property they are discussing today; said she met with Ms. Andrea Ryberg today and relieved some of her fears. Stated the National Historic District starts with her property and continues down Capital Ave. N.E. and is sure that none of the planning commissioners here today would be interested in having a playground next door to their homes. From what she has heard they will be planning more green-space than a playground area, which she said is fine. Said she discussed with Ms. Ryberg there be some type of separation between the two properties such as evergreens etc., and would like that to be noted and included in the approval of this request. Stated her home is one of most historic in Battle Creek as two sitting presidents were entertained in her home; William Howard Taft spent the night there and think buildings like hers should be preserved and is nervous about a play area being put next door to her home. Said if it is done in good taste and a separation she can understand and applaud the church to try and meet this need in the community for a daycare.

Mr. Randy Case, 95 Lynwood Drive, stated he was the architect for this project. Stated to alleviate fears the zoning ordinance does require a separation between commercial and residential use, which is intended. Said there will be a fence that will be extended around the property that matches the wrought iron look of the fence that is presently there and will have vegetation that separate it also per the zoning requirements.

Mayor Baldwin asked Mr. Case about vegetation being included in the plan. Stated she looked at the site plan and cannot see where it would be located on the plan. Mr. Case noted there would be green space in the front and the sides facing the residential district; said there is no landscaping plan at this time as it will be required before the zoning approval; but will be forthcoming and apart of the requirement before the work is done on the play space.

***With no others wishing to speak, Commissioner Hicks closed the public hearing.***

**MOTION BY COMMISSIONER STETLER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE SPECIAL USE PERMIT #S-05-13 FOR A PRESCHOOL AND CHILDCARE CENTER AS PRESENTED.**

Commissioner Godfrey noted the motion should be amended to include conditions (A-D) in the staff report and also add another condition item (E) noting to ensure a proper vegetation barrier is between the commercial and residential property.

**AMENDED MOTION BY COMMISSIONER STETLER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE SPECIAL USE PERMIT FOR A PRESCHOOL AND CHILDCARE CENTER AS PRESENTED TO INCLUDE CONDITIONS (A-D) AS OUTLINED IN THE STAFF REPORT; WITH THE ADDITION OF A CONDITION (E) NOTING THAT IN ADDITION TO FENCE, A VEGETATION BARRIER IS TO BE ADDED BETWEEN PLAY LOT AND HOUSE TO THE EAST.**

Commissioner Buscher asked staff if the specific zoning requirements for the green-space brought up by Ms. Lampas; is there a specific statute that notes what can and cannot be put there as far as height, quantity, and types of green-scape. Ms. Christine Hilton stated not for landscaping; the zoning ordinance only requires either a fence or landscape screening between commercial and residential uses.

Ms. Jill Steele noted there has been a request to vote on the amended motion; and there should be a vote on it to add the condition to the motion.

**VOTE ON AMMENDED MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**Discussion:**

Mayor Baldwin asked to clarify that fencing is planned and will also add vegetation. Yes, that is correct.

Commissioner Hicks asked Ms. Hilton if she would be meeting with the petitioner regarding the specifics and what is allowable for vegetation, also does it require meeting with the neighbor. Ms. Hilton stated it is already required to have a privacy fence and any landscape they do would be additional to the fence.

Commissioner Buscher asked if green-space will not be needed in this Special Use Permit. Ms. Hilton said it will be required as it was added to the motion for approval. Mr. Buscher asked what would be required; would it be 1 ft. plant or trees and what is required to satisfy the neighbors concern. Ms. Hilton stated it would have to have a minimum of a 6 ft. fence between their property lines and landscaping would be included in addition to a fence and can be planned with the petitioner and staff.

*Commissioner Hicks asked Commissioners for a Vote.*

**VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**7. Old Business: None**

**8. New Business:**

**A. Year 2014 Meeting Dates for the Planning Commission**

Ms. Hilton noted the proposed meeting schedule for the year 2014 are proposed for the 4<sup>th</sup> Wednesday of every month as they are now, except for the months of November and December are alternate dates because of a conflict with the holidays.

**MOTION WAS MADE BY COMMISSIONER BUSCHER, SUPPORTED BY COMMISSIONER BARKER, TO APPROVE THE YEAR 2014 PLANNING COMMISSION MONTHLY MEETING DATES AS PRESENTED.**

**VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**9. Comments by the Public: None**

**10. Comments by the Staff and Commission Members:** Commissioner Stetler asked Ms. Hilton if the Planning Staff would be working on the new Food Truck Ordinance and will it come before this commission or go directly to the City Commission. Ms. Hilton stated she is involved with it as the ordinance itself is not in the zoning ordinance, but does reference the zoning, so they all need to take part. Stated it is not a zoning ordinance, but is in licensing and taxation section of the ordinance and will not be required to go before the Planning Commission. Said they will be holding input or round table sessions in mid-November or early December regarding the topic. Stated she will email the Planning Commission when the round table sessions are to be held if anyone is interested in attending.

Ms. Hilton stated the Planning Department has relocated their offices from Commerce Pointe to City Hall. Stated changes have been made to the Special Use Permit application which will now provide more information, which will help staff and Planning Commission review. Commissioner Hicks asked if the form may be filled-out on the web site. Ms. Hilton stated at this time they are "pdf" documents and can only edit if they have the capability to edit pdf's.

Mayor Baldwin stated she is in favor of the city web site being up to date and made easier for persons to access the information needed and/or submit on-line. Stated she attempted to reappoint members of the Planning Commission at the last City Commission meeting and questions were asked in regards to all committee's and it was stated they wished to have persons from all around the city and all ages to participate on the city's committee's; therefore it was put on hold. Mayor said they want to stagger the appointment dates farther from each other and that it was nothing personal, it was just the request from some of her fellow Commissioners.

Ms. Hilton stated petition #S-04-13 on today's agenda was requested to be pulled by the petitioner because of having build-out analysis issues and was now looking at a different location; said they may come through at a later date in addition to another daycare application.

Commissioner Godfrey stated hopefully this coming year the economy will allow for the expansion of businesses and they would require them to need to meet every month.

**11. Adjournment: The meeting was adjourned at 4:24 P.M.**

Respectfully Submitted: Christine M. Hilton, AICP., Exec. Secretary, Planning Commission

